

Message Text

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64

ACTION ARA-20

INFO OCT-01 ISO-00 SS-15 L-03 H-03 NSC-10 CIAE-00 INR-10

NSAE-00 PA-03 RSC-01 USIA-15 PRS-01 SPC-03 EB-11

COME-00 FRB-02 TRSE-00 XMB-07 OMB-01 JUSE-00 DRC-01

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P 262135Z SEP 73

FM AMEMBASSY PORT AU PRINCE

TO SECSTATE WASHDC PRIORITY 7046

LIMITED OFFICIAL USE PORT AU PRINCE 1680

E.O. 11652: N/A

TAGS: PFOR, PGOV, EFIN, HA

SUBJECT: GOH ASSERTION OF SOVERIGN IMMUNITY IN REGARD

TO BYERS/AERO-TRADE SUIT IN US DISTRICT COURT,
SOUTHERN DISTRICT, NEW YORK

REF: P-AU-P 1671

1. FOREIGN SECRETARY RAYMOND AFTERNOON SEPT. 26 SENT ME LENGTHY NOTE SETTING FORTH GOH POSITION ON BYERS/AERO-TRADE SUIT. NOTE CLAIMS NON-FULFILLMENT OF CLAUSES OF CONTRACT BY BYERS/AERO-TRADE AND FURNISHING OF MATERIAL IN BAD CONDITION, AND ASSERTS THAT IN FACT AERO-TRADE OWES GOH \$ 927,711.

2. GOH REQUESTS THAT DEPARTMENT RECOGNIZE ITS RIGHT TO SOVEREIGN IMMUNITY IN CONFORMITY WITH:

A. PRINCIPLES OF UNIVERSALLY RECOGNIZED INTERNATIONAL LAW THAT PROPERTY OF A FOREIGN GOVERNMENT IS EXEMPT FROM ALL SEIZURE;

B. REGULAR PRACTICE OF DEPARTMENT IN SUCH MATTERS CONCERNING ACTS OF "JURE IMPERII";

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C. RECIPROCITY WHICH HAITIAN GOVERNMENT INTENDS TO
ACCORD US GOVERNMENT IN ANY SIMILAR SITUATION.

3. GOH REQUESTS USG TO INTERVENE SOONEST TO PUT AN END
TO "ABUSIVE LAWSUIT" OF WHICH GOH IS VICTIM BEFORE
NEW YORK COURT, THAT IS TO OBTAIN THE ANNULMENT OF THE
COURT ORDER DATED AUGUST 21, 1973 AND TO PREVENT ANY OTHER
SUCH ACTION HAVING THE SAME PURPOSE.

4. COPY OF NOTE BEING POUCHED TO ARA/CAR. INFORMAL ENGLISH
TRANSLATION BEING CABLED SEPT. 27.

5. ACTION REQUESTED: THAT DEPARTMENT PROVIDE GUIDANCE ON
REPLY TO FOREIGN SECRETARY.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LITIGATION, DIPLOMATIC PRIVILEGES, TRADE COMPLAINTS
Control Number: n/a
Copy: SINGLE
Draft Date: 26 SEP 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973PORTA01680
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: PORT AU PRINCE
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1973/newtext/t1973099/aaaaaggv.tel
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Office: ACTION ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
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Previous Handling Restrictions: n/a
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30 JUN 2005

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TAGS: PFOR, PGOV, EFIN, HA, BYERS/AERO
To: STATE
Type: TE
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